

UNITED STATES DISTRICT COURT

for the

Western District of Virginia

APR 21 2015

JULIA C. DUDLEY, CLERK
BY:  DEPUTY CLERK

United States of America)

v.)

ELISSA SUE COX SMITH)

Case No: 4:09CR00029-002

USM No: 14074-084

Date of Previous Judgment: 01/21/2010)

(Use Date of Last Amended Judgment if Applicable)

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 120 months is reduced to 108 months*.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 31

Amended Offense Level: 29

Criminal History Category: II

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Previous Guideline Range: 121 to 151 months

Amended Guideline Range: 97 to 121 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☐ The reduced sentence is within the amended guideline range.☒ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.☐ Other (explain):

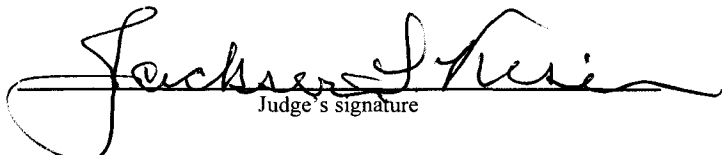
III. ADDITIONAL COMMENTS

*Defendant is sentenced to 108 months, but not less than time served. Defendant's sentence consists of 48 months on Count 1 and 60 months on Count 8, to run consecutively.

Except as provided above, all provisions of the judgment dated 01/21/2010 shall remain in effect.

IT IS SO ORDERED.

Order Date: 4/21/2015

Effective Date: 11/01/2015
(if different from order date)
Judge's signature

Hon. Jackson L. Kiser, Senior U.S. District Judge

Printed name and title